

Right of a member state to leave the EU in context of the Brexit

Abstract

One year has passed since the United Kingdom officially announced its intention to withdraw from the European Union membership. Brexit as this withdrawal is often called means the turning point not only for the view of the concept of the ever closer European integration, but it also presents feasibility of a new option for the EU Member States. It is astonishing that in spite of popular attention to this topic there is an absence of serious academic research dealing with the right of a Member State to withdraw in all its wide aspects. Therefore, this thesis aims at the goal of describing the problem of the withdrawal in the most complex way and not only in the light of the recent Brexit. For understanding the present situation, it seems to be necessary, at least in the limited way, to introduce the right of withdrawal as the external aspect of the sovereignty *ultima ratio* which even in the historical period before the explicit incorporation in the Lisbon Treaty had to exist. In a retrospective view, it is also crucial to mention cases which were in a strict sense not examples of a withdrawal of Member States, but that proved the practical accommodation of national instruments and procedures to termination of EU law application. On this theoretical and analytical base, it is possible to continue with the detailed description of the present legislation anchored in the article 50 of the Treaty of the European Union. Special emphasis is placed on the procedural varieties and alternatives and

even on the possibility of a Member State to rejoin the European Union. In the second chapter defined legal framework is confronted with the real application in the context of the Brexit. The thesis tries to present several issues related to the decision on withdrawal in the domestic law. For the purpose of the explanation, there is also a short summary of the recent negotiations as well as the probable final exit alternatives based on this summary. An essential part of the thesis consists of *de lege ferenda* reflections evolving from issues in which the article 50 of the Treaty of the European Union seems to be unclear or incomplete and also in the topics which are not addressed by the current legislation at all but they should be *pro futuro* because of the legal clarity. In the final summary, there is also mentioned an idea that paradoxically reveals the possibility that the right of a Member State to withdraw from the European Union might be considered as the legal base for the further federalization of the Union.